

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 698 OF 2005

Sou. Pushpa Baburao Pawar & Ors. .. Appellants.

Versus

Shri Balu Babu Dalvi & Ors. ..Respondents.

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Shri Nitin Jamdar for the Appellants.

Mrs. Suhasini Mutalik for the Respondent No.1.

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CORAM : D. G. DESHPANDE, J.

DATE : 15TH JUNE, 2005

P.C. :

Heard Advocate for the Appellants and Respondents.

. The appellants filed the suit for partition. That was opposed by the Respondents on the ground that there was earlier suit for partition which went up to Supreme Court and ultimately decreed. It appears that the Appellants were minor at the time of the earlier suit but were adequately and properly represented by their heads of the family and after having lost the earlier round of litigation, the second suit came to be

filed through these three ladies, the present appellants. According to the counsel for the appellants, looking to the status of the appellants as female, joining them in earlier suit was necessary. I do not find any merit in the submission. In the earlier suit for partition, if the parents and brother of appellants were parties, then they were adequately and properly represented. The trial court was fully justified in dismissing the second suit. No merit in the appeal. The appeal is dismissed.

15.06.2005

(D.G. DESHPANDE, J.)

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